

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America
v.
Manuel Antonio CALDERON

Case: 2:21-mj-30308
Assigned To : Unassigned
Assign. Date : 6/23/2021
CMP: USA v CALDERON (MAW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 25, 2021 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:

Code Section
Title 8, United States Code, Section 1326(a)

Offense Description
Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about May 25, 2021, in the Eastern District of Michigan, Southern Division, Manuel Antonio CALDERON, an alien from El Salvador was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about January 25, 2010, at or near Alexandria, LA and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326 (a).

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: June 23, 2021

City and state: Detroit, MI

Hector Rivera

Complainant's signature

Hector Rivera, Deportation Officer

Printed name and title

Elizabeth A. Stafford

Judge's signature

Elizabeth Stafford, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Hector Rivera, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security, having served with ICE since February 2007. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers and record checks of law enforcement databases. I have also reviewed relevant immigration records and system automated data relating to Miguel Antonio CALDERON, which reveal the following:
2. Miguel Antonio CALDERON is a forty-eight-year-old citizen and a native of El Salvador who last entered the United States on an unknown date, at an unknown place, without inspection by the U.S. Department of Homeland Security.
3. On June 2, 1999, the former Immigration and Naturalization Service (INS) in Douglas, AZ served CALDERON with form I-862, Notice to Appear. On June 28, 1999, an Immigration Judge (IJ) in Los Angeles, California ordered CALDERON removed to El Salvador. On October 21, 2009, the Detroit ICE Fugitive Operations team encountered CALDERON at or near Pontiac, Michigan and processed him as a final order of removal. On December 8, 2009, an IJ denied CALDERON's motion to reopen. On January 25, 2010, ICE removed CALDERON to El Salvador at New Orleans, Louisiana.
4. On or about May 25, 2021, an ICE officer encountered CALDERON housed at the Oakland County Jail pending sexual assault charges. According to system checks, CALDERON was determined to be a foreign national from El Salvador presently and without legal documentation to reside or remain in the United States. The Detroit ICE Duty Officer lodged an I-247A detainer for CALDERON.
5. On June 12, 2021, CALDERON was released on bond from the Oakland County Jail on the pending criminal sexual assault charges. On June 14, 2021, the Detroit ICE team transported CALDERON to Detroit ICE field office and served him with a Notice of Intent/ Decision to Reinstate prior order form. ICE searched his fingerprints in the ICE/FBI systems resulting in a positive match

for Manuel Antonio CALDERON, DOB: XX/XX/1972, AXX XXX 542, a previously removed alien.

6. The aforementioned detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any non-citizen entering or attempting to enter the United States, or any non-citizen present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of non-citizens.
7. On June 14, 2021, ICE officers reviewed immigration file records and Department of Homeland Security electronic records, which revealed that Miguel Antonio CALDERON, AXXX XXX 542, did not obtain the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States.
8. Based on the above information, I believe there is probable cause to conclude that Miguel Antonio CALDERON, is an alien who was found in or reentered the United States after deportation or removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security, all in violation of Title 8, United States Code, Section 1326(a).

Hector Rivera

Hector Rivera, Deportation Officer
Immigration and Customs Enforcement

Sworn to before me and signed in my
presence and/or by reliable electronic means.

Elizabeth A. Stafford

Elizabeth Stafford

United States Magistrate Judge